

No. 23-1958

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

RAFFEL SYSTEMS, LLC,
Plaintiff-Appellee,

v.

MAN WAH HOLDINGS LTD. INC.; MAN WAH (USA) INC.,
Defendants-Appellants,

XYZ COMPANIES 1–10,
Defendant.

On Appeal from the United States District Court for the
Eastern District of Wisconsin, No. 2:18-cv-01765-NJ

**DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR A
60-DAY EXTENSION OF TIME TO FILE PRINCIPAL BRIEF**

Richard L. Rainey
Gary M. Rubman
Nicholas L. Evoy
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
rrainey@cov.com
grubman@cov.com
nevoy@cov.com

Counsel for Defendants-Appellants

CERTIFICATE OF INTEREST

Pursuant to Federal Circuit Rule 47.4, undersigned counsel for Defendants-Appellants Man Wah Holdings Ltd. Inc. and Man Wah (USA) Inc., certifies the following:

1. The full names of all entities represented in the case by the undersigned counsel are:

Man Wah Holdings Ltd. Inc.
Man Wah (USA) Inc.

2. The full names of all real parties in interest for the entities represented by us are:

None.

3. The full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities represented by us are:

Man Wah Holdings Ltd. Inc. is the parent company of Man Wah (USA) Inc.

4. The names of all law firms, partners, and associates that appeared for the entities represented by us in the originating court or agency or are expected to appear in this court for the entities represented by us are:

Richard L. Rainey, Covington & Burling LLP
Gary M. Rubman, Covington & Burling LLP
Nicholas L. Evoy, Covington & Burling LLP
Gary M. Hnath, Mayer Brown LLP
Michael L. Lindinger, Mayer Brown LLP
Clark Bakewell, Mayer Brown LLP
Hao Tan, Arch & Lake LLP
Shen Wang, Arch & Lake LLP
Jennifer L. Gregor, Godfrey & Kahn SC

Matthew M. Wuest, Godfrey & Kahn SC

5. The title and number of any case known to us to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal is:

Raffel Systems, LLC v. Bob's Discount Furniture LLC, et al.
Case No. 22-1703 (Fed. Cir.) (currently stayed)

6. Any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy debtors and trustees):

None.

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Defendants-Appellants Man Wah Holdings Ltd. Inc. and Man Wah (USA) Inc. (“Man Wah”) respectfully move for a 60-day extension of time to file their principal brief. Pursuant to Federal Circuit Rule 27(a)(2), counsel for the parties discussed this Motion. Counsel for Plaintiff-Appellee Raffel Systems LLC (“Raffel”) advised that Raffel does not oppose the proposed extension sought by this Motion.

On June 7, 2023, the parties filed a Joint Motion to Stay Appeal in this proceeding (“Joint Motion to Stay”) pending resolution of certain issues by the district court, including the proper amount of attorneys’ fees and non-taxable costs to be awarded, as well as the language for an eventual permanent injunction. *See* Dkt. 5. Both issues remain pending before the Eastern District of Wisconsin. Separately, as of the filing of this motion, this Court has not acted on the Joint Motion to Stay.

Man Wah’s principal brief is currently due on July 31, 2023. *See* Dkt. 1; Fed. Cir. R. 31(a)(1). Absent a decision by this Court on the Joint Motion to Stay, Man Wah requests an extension of the deadline to file its principal brief by 60 days, to and including September 29, 2023. Man Wah has not previously sought an extension of time, and no days of extension have been granted to Man Wah.

Good cause exists to grant the extension of time sought by this Motion. Counsel for Man Wah has a number of professional and personal commitments which necessitate this request for an extension. *See* Declaration of Richard L. Rainey in Support of Defendants-Appellants' Unopposed Motion for Extension of Time, ¶ 3. For example, principal counsel for Man Wah has a long-planned vacation the week of July 15, 2023. *Id.* In addition, principal counsel has a *Markman* hearing in another matter pending in the U.S. District Court for the District of Delaware scheduled for August 3, 2023. *Id.* Accordingly, good cause exists for this request.

For these reasons, Man Wah respectfully submits that good cause exists for the requested extension, and Man Wah requests that this Court grant an extension to file Man Wah's principal brief to and including September 29, 2023.

Dated: July 6, 2023

Respectfully submitted,

/s/ Richard L. Rainey
Richard L. Rainey
Gary M. Rubman
Nicholas L. Evoy
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
rrainey@cov.com
grubman@cov.com
nevoy@cov.com

Counsel for Defendants-Appellants

No. 23-1958

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

RAFFEL SYSTEMS, LLC,
Plaintiff-Appellee,

v.

MAN WAH HOLDINGS LTD. INC.; MAN WAH (USA) INC.,
Defendants-Appellants,

XYZ COMPANIES 1–10,
Defendant.

On Appeal from the United States District Court for the
Eastern District of Wisconsin, No. 2:18-cv-01765-NJ

**DECLARATION OF RICHARD L. RAINEY IN SUPPORT OF
DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR A
60-DAY EXTENSION OF TIME TO FILE PRINCIPAL BRIEF**

Richard L. Rainey
Gary M. Rubman
Nicholas L. Evoy
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
rrainey@cov.com
grubman@cov.com
nevoy@cov.com
Counsel for Defendants-Appellants

I, Richard L. Rainey, declare:

1. I am an attorney admitted to practice in the District of Columbia. I am a partner at the law firm of Covington & Burling LLP, and I am principal counsel for Defendants-Appellants Man Wah Holdings Ltd. Inc. and Man Wah (USA) Inc. (“Man Wah”) in the above-captioned action. I submit this declaration in support of Man Wah’s Unopposed Motion for a 60-Day Extension of Time to File Principal Brief.

2. On June 7, 2023, the parties filed a Joint Motion to Stay Appeal (“Joint Motion to Stay”) in this proceeding. *See* Dkt. 5. As of today’s date, this Court has not acted on the Joint Motion to Stay.

3. Man Wah’s principal brief is currently due on July 31, 2023. Absent a decision by this Court on the Joint Motion to Stay, Man Wah respectfully requests that the Court revise the briefing schedule to extend that deadline by 60 days. If Man Wah’s request is granted, Man Wah’s principal brief would be due on September 29, 2023. Man Wah has not previously sought an extension of time, and no days of extension have been granted to Man Wah.

4. The additional time is requested because I have a long-planned vacation scheduled for the week of July 15, 2023. In addition, I have a *Markman* hearing in another matter pending in the U.S. District Court for the District of Delaware, which is scheduled for August 3, 2023.

5. Pursuant to Federal Circuit Rule 27(a)(2), counsel for the parties discussed Man Wah's Motion. Counsel for Plaintiff-Appellee Raffel Systems, LLC ("Raffel") advised that Raffel does not oppose the proposed extension.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 6, 2023

Respectfully submitted,

/s/ Richard L. Rainey
Richard L. Rainey
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
rrainey@cov.com

Counsel for Defendants-Appellants

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this filing:

(i) complies with the type-volume limitation of Rule 27(d)(2) because the filing has been prepared using a proportionally-spaced typeface and includes 369 words, excluding the items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2); and

(ii) complies with the typeface requirements of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6) .

Dated: July 6, 2023

/s/ Richard L. Rainey
Richard L. Rainey
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000
rrainey@cov.com
Counsel for Defendants-Appellants